

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS RIOS.,

Plaintiff,

v.

DENTAL ASSISTANT, et al.,

Defendants.

Case No. 2:23-cv-01486-ART-BNW

ORDER TO DISMISS

(ECF No. 19)

Plaintiff Thomas Rios sued the Nevada Department of Corrections and other parties for not receiving adequate dental care while incarcerated. (ECF No. 3.) Plaintiff settled with the Nevada Department of Corrections and stipulated to voluntary dismissal of this matter with prejudice. (ECF No. 16.) This Court granted that stipulation. (ECF No. 17.) Months later, Plaintiff filed a motion to enforce the settlement agreement for alleged failure to comply with the settlement agreement and retaliation against Plaintiff. (ECF No. 19.) Because this Court dismissed the action with prejudice (ECF No. 17), it lacks jurisdiction to adjudicate Plaintiff's motion to enforce. In cases where one party does not comply with a settlement agreement, the aggrieved party may file a breach of contract action in state court, and retaliation may be the basis of an independent lawsuit.

Accordingly, the Court instructs the Clerk to dismiss Plaintiff's Motion to Enforce (ECF No. 19) as moot and close the case.

DATED THIS 15th day of November 2024.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE